



2025:DHC:7425



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 26th, August, 2025***

+ CM(M) 1138/2022 & CM APPL. 45897/2022 & CM APPL.
9736/2024 & CM APPL. 11090/2025

MOHD SHAKEEL & ORS.

.....Petitioner

Through: Ms. Sana Ansari and Mr. I. Ahmed,
Advocates along with petitioner in
person

versus

MOHD ISLAM

.....Respondent

Through: Mr. Vijay K. Gupta and Mr. Mehul
Gupta, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Respondent Mohd. Islam had filed a suit against three defendants which was, eventually, decreed on 11.01.2022.
2. Armed with such decree, an execution petition was filed by the decree-holder which was registered as Ex. No. 164/2022.
3. Fact, however, remains that aforesaid decree was challenged and the learned First Appellate Court modified the decree.
4. On the basis of such modified decree, decree-holder filed yet another execution petition, which has been registered as Ex. No. 519/2025.
5. Fact remains that the judgment-debtors, in the previously filed execution petition, filed certain objections and such objections were dismissed by the learned Executing Court on 02.09.2022 and the present petition challenges the aforesaid order dated 02.09.2022.



6. The sole grievance of the petitioners is to the effect that with respect to one decree, two separate execution petitions cannot be maintained.
7. During course of arguments, learned counsel for respondent/decree holder submitted that since another execution petition has already been filed based on modified decree, he would not be pressing his previously filed execution petition i.e. Ex. No. 164/2022.
8. On the basis of such statement made by learned counsel for decree holder, learned counsel for petitioners submits that she is left with no grievance in the present matter, at the moment.
9. Learned counsel for decree holder submits that he would make appropriate statement before the learned Executing Court in this regard.
10. He, however, submits that when the present petition was taken up by this Court on 27.10.2022, there was a direction that further proceedings in Ex. No. 164/2022 shall remain stayed.
11. It is clarified that since decree holder is, now, not inclined to pursue the aforesaid execution petition, such stay stands vacated and the decree holder, as noted above, would make appropriate statement before the learned Executing Court seeking withdrawal of Ex. No. 164/2022 and learned Executing Court would pass appropriate order accordingly.
12. In view of the above, the present petition stands disposed of. Pending applications also stand disposed of in aforesaid terms.
13. Needless to say, since initially filed execution petition i.e Ex. No. 164/2022 is going to be withdrawn by the decree holder, the coercive process issued by the learned Executing Court, while dealing with such execution petition, would also not be pursued further and carried out.



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14. All rights and contentions of the parties are, however, reserved and they would be at liberty to take whatever contentions, as permissible under law, in the second execution petition.

(MANOJ JAIN)
JUDGE

AUGUST 26, 2025/dr/js